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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,160	03/16/2001	Akira Motojima	2001-0320A	5734

513 7590 08/01/2005

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EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,160

Applicant(s)

MOTOJIMA ET AL.

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 7, 10, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Vaudrey et al. (US 6,650,755, hereinafter “Vaudrey”).

Regarding claim 1, Vaudrey discloses a sound system (Figure 8) for reproducing a plurality of channel signals (downmixer to 3 channels via box 273), the sound system comprising:

an attenuating means for attenuating either a left channel signal or a right channel signal according to an operation on an operating part (end-user controlled level adjusters for each channel include left channel level adjuster 276a and right channel level adjuster 276c; Figure 8; col. 9, lines 43-54); and

a controlling means for controlling an attenuation of a center channel signal depending on the attenuation of the left channel signal or the right channel signal (the downmixer 273 provides automatic center level adjustment based on a selected voice-to remaining audio (VRA) ratio in addition to the user-adjustable channel gains; col. 10, lines 9-42).

Regarding claims 3, 7, Vaudrey provides a first adding means and a second adding means within downmix hardware 94 (see Figure 10).

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Regarding claim 5, Vaudrey (see Figure 3) provides for left and right front channels (left and right front speakers 221, 222) and left and right rear channels (left and right rear speakers 223, 224).

Regarding claims 10, 11, Vaudrey provides for a plurality of level adjusters (276a-276e; Figure 8).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4, 6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaudrey in view of Miles (US 5,610,986).

Vaudrey differs from claims 2, 4, 6, 8 in that it does not teach attenuating the center channel signal in the range of 0.3n to 0.8n %. However, Miles teaches the desirability of attenuating the center channel in the range of 1 minus 0.45 to 0.7, multiplied by the left and right input signals (col. 6, lines 57-59, 64-66) such that it would have been obvious to an artisan of ordinary skill to incorporate such a center channel attenuation range, as taught by Miles, within the sound system of Vaudrey in order to provide an optimum channel balance.

5. Claims 9, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaudrey in view of Klayman (US 5,970,152).

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Vaudrey differs from claims 9, 13 and 15 in that it does not specify a delaying means. However, Klayman, from the same field of endeavor, teaches the desirability of incorporating a delay means before an adding means (audio enhancement devices 40, 42, 44, 46, 102, 104 may use time-delay techniques to achieve a desired audio effect; Figures 1-3; col. 7, lines 5-14) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a delaying means, as taught by Klayman, within the system of Vaudrey to provide a desired audio effect.

6. Claims 12, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaudrey in view of Miles, as applied to claim 4 above, and further in view of Klayman for the same reasons applied to claims 9, 13 and 15 above.

Response to Arguments

7. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new grounds of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stella L. Woo
Primary Examiner
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